

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

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USDC FOR NJ

MICHAEL PATRICK SIANO

Plaintiff Corporate Entity,

Civil Action No.:3:20-cv-12827-MAS-DEA

V.

M&T BANK, PARKER McCAY P.A. LAW

OFFICES et al, and all Unknown Parties,

Defendants.

MOTION TO EXTEND HEARING DATE

OF DEFENDANTS MOTIONS TO DISSMISS

PLEASE TAKE NOTICE that upon the Defendant M&T BANK motion to dismiss Plaintiff's complaint motion hearing scheduled on December 14, 2020, I MICHAEL PATRICK SIANO moves this Court before the Honorable Michael A. Shipp, United States District Judge for the DISTRICT OF NEW JERSEY at the Clarkson S. Fisher Building and U.S. District Courthouse located at 402 East State Street, Trenton, New Jersey, 08608, for an extension of time, pursuant to Fed. R. Civ. P. Rule 6.1, and pursuant under the authority of 15 U.S.C. § 1640(e) as the attorney General may join suit with the enforcement of the willful actions by the Defendant not to follow the steps laid out unto the authority of TILA (The Truth in Lending Act) under 15 U.S.C. 1635 (a-b).

15 U.S.C. § 1640(e) States: Jurisdiction of courts; limitations on actions; State attorney general enforcement ... "The State attorney general shall provide prior written notice of any such civil action to the Federal agency responsible for enforcement under section 1607 of this title and shall provide the agency with a copy of the complaint. If prior notice is not feasible, the State attorney general shall provide notice to such agency immediately upon instituting the action. The Federal agency may—(1) intervene in the action; (2) upon intervening— (A) remove the action to the appropriate United States district court, if it was not originally brought there; and (B) be heard on all matters arising in the action; and (3) file a petition for appeal.

Michael Patrick Siano as a remedy given to him under law, has now properly filed his complaint with the Attorney General as the Attorney General has the right to delegate the responsibility to the proper agency for enforcement or may join this proper cause of action as my complaint solely relates to the TILA violations as I have a right to file a proper cause of action. I will mail by certified Mail to the State Attorney General and the U.S. Attorney General my complaint on Monday December 14, 2020 as I am in the process of finalizing the complaint as of now due to being the sole provider for my family, I will file with this complaint accompanied by tracking numbers and a certificate of service anything and everything mailed under the authority of TILA and am also informing this Court.

For the Court to rule on Defendants motion to dismiss will be premature as the Plaintiff unbeknownst at the time of filing this complaint did not know until now that he should have filed a complaint also with the Attorney General to enforce the violations.

It would be prejudice for this Court to prematurely rule on Defendants Motion to dismiss without first having the Attorney General investigate my complaint and be heard on all matters arising in this action.

 12-11-2020

Michael Patrick Siano

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Lanoka Harbor, NJ 08734

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CERTIFICATE OF SERVICE

I, Michael Patrick Siano, do hereby certify that a true copy of the foregoing Motion, Copy of Plaintiff complaint to the Attorney General, and signed affidavit and this certification has been served upon by placing same in the U.S. Mail, properly addressed to as follows:

PARKER IBRAHIM & BERG LLP

270 Davidson Avenue

Somerset, Nj 08873

Andrew Sayles

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56 Livingston

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